

REMARKS

Claims 39 through 44 were pending in the present application. Claims 1 through 38 were previously withdrawn from consideration. By virtue of this response, claims 39 and 42 have been amended. Accordingly, claims 39 through 44 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Rejections under 35 USC §102(b)

Claims 39-41 are rejected under 35 USC §102(b) as allegedly being anticipated by Engelson (5,944,733), Ritchart et al. (4,994,069) ("Ritchart") and Berenstein et al (6,458,119) ("Berenstein").

Independent Claim 39 states that "the first end of the first space-occupying device is rotatably attached to the second end of the second space-occupying device." Engelson, Eitchart and Berenstein fail to disclose the first end of the first space-occupying device being rotatably attached to the second end of the second space-occupying device.

Applicant respectfully submits that Claim 39 and Claims 40 and 41, depending from Claim 39, are therefore not anticipated by, and are allowable over Engelson, Ritchart and Berenstein.

Rejections under 35 USC §103(a) - I

Claims 42-44 are rejected under 35 USC §103(a) as allegedly being unpatentable over Berenstein in view of Ritchart.

Claim 42 states that "the first end of the first space-occupying device is rotatably attached to the second end of the second space-occupying device". The Office Action alleges that the combination of the method of Berenstein with the coated binding agent of Ritchart would satisfy the limitations of Claim 42. However, neither Berenstein nor Ritchart discloses or provides motivation to modify the disclosure to rotatably attach the first end of the first space-occupying device to the second end of the second space-occupying device.

Applicant therefore respectfully submits that Claim 42 and Claims 43 and 44, depending from Claim 42, are not made obvious by, and are allowable over Berenstein in view of Ritchart.

Rejections under 35 USC §103(a) - II

Claims 39-44 are rejected under 35 USC §103(a) as allegedly being unpatentable over Palermo et al. (5,925,059) ("Palermo") in view of Ritchart ('069).

For the reasons stated above, Palermo in view of Ritchart fails to disclose or provides motivation to modify the disclosure to rotatably attach the first end of the first space-occupying device to the second end of the second space-occupying device.

Applicant therefore respectfully submits that Claims 39 and 42, Claims 40 and 41, depending from Claim 39, and Claims 43 and 44, depending from Claim 42, are not made obvious by, and are allowable over Palermo in view of Ritchart.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the appropriate fee and/or petition is not filed herewith and the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with this filing to **Deposit Account No. 50-3973** referencing Attorney Docket No. **FGRTNZ00200**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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